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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,) NO. 22-MJ-70340 MAG
Plaintiff,)
v.) AMENDED STIPULATION TO EXCLUDE TIME
MICHAEL GREEN,) UNDER THE SPEEDY TRIAL ACT AND
Defendant.) WAIVER UNDER FRCP 5.1 FROM MAY 23,
) 2022 TO JULY 15, 2022 AND ORDER

It is hereby stipulated by and between counsel for the United States and counsel for the defendant Michael Green, that the currently scheduled appearance be continued to July 15, 2022, and time be excluded under the Speedy Trial Act from May 23, 2022 through July 15, 2022. It is further stipulated that time be waived under Federal Rule of Criminal Procedure 5.1 from May 23, 2022 through July 15, 2022.

On April 19, 2022, the defendant began his 90-day program at New Bridge Facility. New Bridge expressed COVID concerns for defendants attending in-person court appearances. Due to potential COVID exposure by attending an in-person court appearance and the short time the defendant has been in the program, the parties propose continuing the currently scheduled appearance until a date closer to

STIPULATION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT AND WAIVER
UNDER FRCP 5.1 AND ORDER
Case No. 22-mj-70340

1 the defendant's graduation from the program. The parties have discussed with pretrial services, and the
2 assigned pretrial officer is in agreement.

3 Further, the government has previously produced discovery and counsel is still reviewing that
4 production.

5 For these reasons, the parties stipulate and agree that excluding time until July 15, 2022 will
6 allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Further, this will
7 allow the defendant to complete a majority of the program to provide the Court with a more substantive
8 update. The parties further stipulate and agree that the ends of justice served by excluding the time from
9 May 23, 2022 through July 15, 2022 from computation under the Speedy Trial Act outweigh the best
10 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

11 The undersigned Assistant United States Attorney certifies that she has obtained approval from
12 counsel for the defendant to file this stipulation and proposed order. The undersigned Assistant United
13 States Attorney further certifies that she discussed the above with pretrial services.

14 IT IS SO STIPULATED.

15 DATED: May 23, 2022

16 _____
17 /s/
18 ALEXIS JAMES
19 Assistant United States Attorney

20 DATED: May 23, 2022

21 _____
22 /s/
23 GRAHAM ARCHER
24 Counsel for Defendant Michael Green

25 **ORDER**

26 Based upon the facts set forth in the stipulation of the parties and for good cause shown, the
27 Court finds that failing to exclude the time under the Speedy Trial Act and waive time under FRCP 5.1
28 from May 23, 2022 through July 15, 2022 would unreasonably deny defense counsel and the defendant
the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the
time from May 23, 2022 to July 15, 2022 from computation under the Speedy Trial Act outweigh the
best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the

1 parties, IT IS HEREBY ORDERED that the time from May 23, 2022 through July 15, 2022 shall be
2 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

3 With the consent of the defendant, and taking into account the public interest in the prompt
4 disposition of criminal cases, the court sets the preliminary hearing to July 15, 2022 and — based on the
5 parties' showing of good cause — finds good cause for extending the time limits for a preliminary
6 hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an
7 indictment under the Speedy Trial Act (based on the exclusions set forth above). See Fed. R. Crim. P.
8 5.1; 18 U.S.C. § 3161(b).

9 IT IS SO ORDERED.

10
11 DATED: May 23, 2022

